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SOCIAL, HUMANITARIAN AND HUMAN RIGHTS QUESTIONS: REPORTS OF SUBSIDIARY BODIES, CONFERENCES AND RELATED QUESTIONS: HUMAN RIGHTS QUESTIONS

Letter dated 21 April 1995 from the Chairman of the Commission on Human Rights to the President of the Economic and Social Council

I have the honour to enclose for your attention the text of resolution 1995/90 concerning the situation of human rights in Burundi, adopted without a vote by the Commission on Human Rights on 8 March 1995, during its fifty-first session in Geneva (see annex).

As you will note from paragraph 14 of the resolution, the Commission has called upon me rapidly to appoint, after consultations with the Bureau, a special rapporteur with the task of drawing up a report on the situation of human rights in Burundi.

Therefore, I have decided to appoint Professor Paulo Sérgio Pinheiro (Brazil) as the Commission's Special Rapporteur pursuant to resolution 1995/90. As you are aware, however, his mandate can only become operative upon the approval of the Economic and Social Council.

In view of the urgency of the matter, taking into account the prevailing situation in Burundi, I would be most grateful to you for placing the matter before the May 1995 (4-5 May) sitting of the Council, with a view to seeking its approval of the mandate established by Commission resolution 1995/90.

(Signed) Musa HITAM
Chairman
Commission on Human Rights

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Annex

COMMISSION ON HUMAN RIGHTS RESOLUTION 1995/90

1995/90. Situation of human rights in Burundi

The Commission on Human Rights,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for human rights and fundamental freedoms,

Reaffirming also that all States have the right and duty to promote and protect human rights and to fulfil their obligations under the various instruments to which they are parties,

Recalling its resolution 1994/86, of 9 March 1994,

Deeply concerned at the inter-ethnic violence since the attempted coup d'état on 21 October 1993, involving loss of human life and gross violations of human rights in Burundi,

Alarmed by the actions of extremist groups wishing to undermine the institutional basis and to increase political instability and ethnic tensions in the country,

Particularly convinced that consolidation of democratic gains helps to create a favourable environment for lasting settlement of the political tensions which have brought bloodshed to the country over the past 30 years and enables every citizen of Burundi to take part in the economic and social development of his country,

Concerned about the mass exodus of persons from Burundi who have fled their country to take refuge in neighbouring countries, which increases the number of refugees in those host countries, and about the large number of persons displaced within the country,

1. Takes note of the report by the representative of the Secretary-General submitted pursuant to Commission on Human Rights resolution 1993/95 (E/CN.4/1995/50/Add.2), and of the report of the Secretary-General on the situation of human rights in Burundi (E/CN.4/1995/66);

2. Strongly condemns the brutal and violent break in the democratic process initiated in Burundi, as well as any incitement to ethnic violence in the media, demands an immediate end to acts of violence and intimidation, and calls on all sectors of society, both civilian and military, to respect the Constitution of the country and the Convention of Government;

3. Encourages the Government of Burundi in its action to secure participation by all components of the population in the conduct of the political and administrative affairs of the country;

4. Appeals to political groups, the army, the media and civil society to show moderation and a spirit of conciliation, and to contribute to the restoration of full respect for and the promotion of human rights;

5. Invites the authorities of Burundi to cooperate with the international community in carrying out a prompt inquiry into the violations of human rights resulting from the attempted coup d'état of 21 October 1993, as well as the inter-ethnic massacres, and to bring the persons responsible for those acts of violence before the courts, so as to put an end to the impunity which has become institutionalized in the country;

6. Supports the creation, as soon as possible, of an international commission of inquiry into the October 1993 coup attempt and the massacres that followed, as proposed by the Government of Burundi in accordance with the Convention of Government;

7. Invites the international community to continue to lend its political, diplomatic, material and financial support to end the violence, to help the Government of Burundi to find a lasting solution to the political and ethnic tensions and to create conditions to favour the reintegration of refugees and displaced persons and, in this context, requests the Secretary-General to strengthen the office of his special representative in Bujumbura;

8. Encourages the international community and the Government of Burundi to implement the various recommendations of the Plan of Action adopted by the Regional Conference of Great Lake Countries (Bujumbura, 12-17 February 1995), in order to reassure refugees and repatriated and displaced persons;

9. Commends the efforts made by the Organization of African Unity and the various initiatives taken by associations for the protection of human rights to help the Government of Burundi re-establish democratic institutions, restore confidence and stabilize the situation;

10. Welcomes the agreement signed on 22 September 1994 by the High Commissioner for Human Rights and the Government of Burundi on the implementation of a major programme of technical assistance and advisory services in the field of human rights, the various components of which form part of preventive action supported by the international community;

11. Greatly appreciates the efforts of the High Commissioner for Human Rights to promote and protect human rights in Burundi, in particular by setting up an office of the Centre for Human Rights and by mobilizing international cooperation in the quest for peace and security in Burundi;

12. Expresses its conviction concerning the need to further increase preventive action in Burundi without delay, in particular through the presence of human rights experts and observers throughout the country;

13. Applauds the decision taken by the Special Rapporteur on extrajudicial, summary or arbitrary executions, in close consultation with the High Commissioner for Human Rights, to undertake immediately a mission to Burundi as part of his mandate;

14. Calls upon the Chairman of the Commission rapidly to appoint, after consultation with the Bureau, a special rapporteur with the task of drawing up, on the basis of all the information he considers relevant and his contacts with the Burundi authorities and population, a report on the situation of human rights in Burundi for submission to the Commission at its fifty-second session;

15. Requests the Secretary-General to provide the special rapporteur with all the assistance he or she may need to carry out the mandate;

16. Decides to consider the situation of human rights in Burundi at its fifty-second session under the appropriate agenda item.

62nd meeting
8 March 1995
[Adopted without a vote. See chap. XII.]